

**PLANNING BOARD MEETING  
MINUTES OF THE MEETING  
APRIL 28, 1998**

**MEMBERS PRESENT:** Anthony McManus, Margaret Stevenson, Reuben Hull, Brian Preston, Mike Bobinsky, Frank Torr, Jerry Reese, Ron Cole (late)

**MEMBERS ABSENT:** Karin Crittendon, Paul Beecher, Charles Maglaras

**STAFF PRESENT:** Steven Stancel, Planning Director and Jacqueline Freeman, Recording Secretary

Reuben Hull, Vice Chair, called the meeting to order.

**ITEM #1: Approval of minutes.**

Frank Torr made the motion to approve the minutes.

Brian Preston seconded.

**VOTE U/A**

**ITEM #2: Consideration and acceptance of an application for a minor lot line adjustment of land for Lynwood & Sally Carter, Assessor's Map D, Lots 8L & 8T, zoned R-12, located at 20 Maplewood Avenue.**

Reuben Hull asked if anyone was present to represent the applicant. No one was present and the application was postponed until later in the agenda.

**ITEM #3: Consideration and acceptance of an application for a site plan of land for James W. Varney, (Varney's Cleaners) Assessor's Map 6, Lots 43 & 44, zoned B-2, located at 60 - 64 Third Street.**

James Varney represented himself and explained his application. He said he is hoping to synchronize his construction with the construction of the railroad crossing.

Mike Bobinsky made the motion to accept the application.

Jerry Reese seconded.

**VOTE U/A**

The public hearing was opened.

Beth Thompson, Economic Development Director spoke in support of the application.

The public hearing was closed.

Jerry Reese made the motion to approve with the following conditions:

1. Add owners' signatures to the plan.
2. Provide exterior lighting (directed on-site only).

3. A minimum of 22 parking spaces shall be provided by combination of on-site and leased spaces. Submit lease agreement.
4. Amend plan to provide a minimum of seven foot high adequate screening along the residential property, either with vegetation or stockade-type fence.
5. Any change in use of upstairs storage space will require additional parking spaces as required by zoning.
6. Amend plan to provide engineering detail of proposed retaining wall.

Frank Torr seconded.

**VOTE U/A**

**ITEM #4: Consideration and acceptance of an application for a Conditional Use Permit for Kenaan & Kathleen Al-Darraji, Assessor's Map N, Lot 20C, zoned R-40, located at 202 Back Road.**

Kathy Al-Darraji stated that on May 21, 1996 they applied for a permit through the State. She said that Barry Letterman told her that in order for the State to approve the permit, they have to have prior approval by the City. She stated that when she went for a driveway permit she was told that she had to get a Wetlands permit and she did get one. She went over the series of events and ended up by saying that after speaking to Doug DeDe, Chairman of the Conservation Commission, that he does not have a problem with this application. She did want to make it clear that the septic system is at the location because it is a gravity fed system and it is the only place on the land that it can be.

Tony McManus stated that he is abstaining from this application.

Jerry Reese made the motion to accept the application.

Mike Bobinsky seconded.

**VOTE U/A**

The public hearing was opened.

Nell Neil, 206 Back Road, stated that she shares the driveway that is going past the Al-Darraji property. She said she spoke with Dean Peschel and he was under the impression that they must come before the Conservation Commission.

Steve Stancel stated that technically, it doesn't have to go before the Conservation Commission. He said by the definition of Wetland District, this does not fall into the category. He said that the applicant has timing hardships. He said that unless the Board wants to send it to the Conservation Commission, it does not have to go.

Nell Neill stated that the Conditional Use Permit, states that there cannot be any alternative and she said that if the house was shifted they could be out of any wetland area. She said she has lived there for 20 years and knows how the water drains to the river and wants to make sure that everyone knows this is a major drainage area. She added that there is a 75' setback for a reason. The public hearing was closed.

Steve Stancel asked Mrs. Al-Darraji if it would pose a hardship if they were to send it to the Conservation Commission and put her on the next agenda.

Kathy Al-Darraji stated that they are hoping to dig the foundation this weekend. Kathy stated that they have added 25' to the wetlands because there was vegetation. She said that the septic is raised up off the ground. She also stated that Doug DeDe stated that because they did not respond, there is no way they can change the permit.

Mike Bobinsky made the motion to approve with the condition that they comply with the general and specific conditions of the NH Department of Environmental Services permit #97-00802.

Frank Torr seconded.

**VOTE U/A**

**Abstained – Tony McManus**

**ITEM #5: Consideration and acceptance of an application for a site review of land for Michael Blackman, Assessor's Map 37, Lot 32A, zoned O, located on Central/Page Avenues.**

Paul Connolly spoke on behalf of Dr. Blackman. He said Dr. Blackman is building an addition to his building. He said he has enough spaces to satisfy zoning, however he feels it is not enough and wants to provide more. He said he is proposing to add 8 paved spaces for a total of 22 spaces. Paul said he is providing fencing and abbreviates for screening of the spaces. Paul said they are requesting a waiver for the aisle width and for the size of the parking spaces. Paul said the patients will use the spaces closer to the office.

Jerry Reese said he is concerned with the ramp in the back of the addition. He thought it was dangerous.

Paul Connolly explained the guardrail system and stated they can install wheel stops. Dr. Blackman agreed.

Jerry Reese made the motion to accept.

Brian Preston seconded.

**VOTE U/A**

**Abstained – Anthony McManus**

The public hearing was opened.

Beth Thompson, Economic Development Director, stated that she supports the applicant and the project.

The public hearing was closed.

Jerry Reese made the motion to approve with the following conditions:

1. Add both owners' signatures to the plan.

2. Correct Note #1: "Lot 37" should read "Tax Map 37".
3. 17' long parking spaces and 20' aisle width require waiver from the Planning Board. Waiver recommended with the condition that employees be required to use the undersized spaces.
4. Remove pavement in the southwest corner of parking lot where two parking spaces are to be eliminated and replace with loam and seed.
5. Placement of wheel stops on the wooden ramp.
6. Identify handicap parking space.

Margaret Stevenson seconded.

**VOTE U/A**

**Abstained – Anthony McManus**

**ITEM #6: Consideration and acceptance of a request for an extension of approval for Conifer Commons Subdivision a.k.a. Glenwood Estates, Map E, Lot 19, zoned R-12, located on Glenwood Avenue.**

Dana Lynch, of Civil Works, stated he is representing the owners. He said that it meets current zoning and there are no substantive changes. He said all the permits are in place except for the Site Specific Permit. He said that a local contractor was hired to lay out the center of the road and the contractor took the approach more like a logging project. He said they would work with Planning for a timetable for replacing the vegetation within the 15' setback. Dana said that some trees were taken down with the permission of the abutters.

Jerry Reese made the motion to accept the request for an extension.

Mike Bobinsky seconded.

**VOTE U/A**

The public hearing was opened.

Hosseine Salehkhrou stated that he hopes the contractor will be more careful.

R. Hull read the letter received from Randall Payment stating that his property marker is gone and he believes there may be a couple of trees that were on his property were destroyed.

The public hearing was closed.

Steve Stancel read the recommended conditions of approval and added a fourth condition related to the concerns of Mr. Payment. He said this extension of approval is good for only one year.

Dana Lynch said they would like to start this project in July or August.

Jerry Reese made the motion to approve with the following conditions:

1. Obtain new NH Site Specific Permit.
2. Clean up site, including removal of all felled trees, brush and stumps within 30 days of approval.

3. Replace the trees improperly removed from the 15' rear setback with trees and/or landscaping to provide screening to the satisfaction of the Planning Department.
4. Correction of any damage to lot corner of Mr. Randall Payment (lot E-19G) as indicated in his letter within 30 days of approval.

Frank Torr seconded.

**VOTE U/A**

**ITEM #7: Consideration and acceptance of a request for a site plan and subdivision of land for Express Realty Trust, (Owner Prime Circle) Map D, Lot 2A, zoned B-3, located on Central Avenue.**

Bill Anderson, Engineer for the project went over the location of the site and the subdivision of the lot. He said it will be called Country Hearth Inn and they are trying to create a bed and breakfast type of atmosphere. He said there will be a small conference room but are primarily focusing on renting hotel rooms. He said there are not creating a new roadway entrance. He said there is water and sewer and half the lot is already paved. He said the big concern is the extension of the street and the sidewalk. He went over the filtering systems and stated that they would be checked quarterly.

Jerry Reese stated there is a 22' drop off from Central Avenue and he is concerned about the aquifer and where the bulk of the water is going.

Bill Anderson stated it drains onto City property.

Steve Stancel stated this project has gone to two TRCs and he recommends that the public hearing be held and then it be tabled to allow for a site walk. He said there are two outstanding issues 1) the drainage and how to address it because of the aquifer and having the lot mostly paved. Also it needs to go to the Conservation Commission before the May 12<sup>th</sup> meeting. 2) the road profile and design. Steve stated that this project is building the road and the next project could build the sidewalk. He said for pedestrians the sidewalk is better on the slope side and for the environment it is better on the other side.

Jerry Reese made the motion to accept the application.

Brian Preston seconded.

**VOTE U/A**

Jerry Reese asked about the next development.

Steve Stancel stated that they anticipate the State barn being moved in the future and having private development on that site with a curb cut. He said there is also a large Tamposi Nash parcel that could hold development.

Reuben Hull stated they could hold the public hearing and then table to a site walk.

The public hearing was opened.

Beth Thompson, Economic Development Director, stated that her department is in favor and supports this project.

Tim O'Dell, an abutter, spoke on the bog and the pond, saying it was developed 10,000 years ago. He asked if the treatment system will take out benzene, oil and grease. He said he hates to see the pond encroached upon and added that he does not want to see this water source compromised.

Ron Cole arrived at 8:20 PM

Reuben Hull read the letter from Philip Keenan who is against this project.  
The public hearing was closed.

Jerry Reese made the motion to table to a site walk.  
Tony McManus seconded.

Mike Bobinsky stated that the Community Services Department received a grant from D.E.S. on the Smith & Cumming Well and he wants to be sure this project is doing the proper type of treatment. He said the EPA has announced regulations that are pertinent to a City the size of Dover so they are aware of them.

#### **VOTE U/A**

Ron Cole, Chairman, took over the meeting.  
Reuben Hull took his regular seat.

Ron Cole set up the Site Walk for Monday, May 4<sup>th</sup>, at 5:30 PM, at the Department of Employment Security building.

Tony McManus stated that the site walk ought to encompass the bog and No Bottom Pond so we can familiarize ourselves with the whole area.

#### **ITEM #2: Carter**

Jerry Reese made the motion to table this until the next meeting.  
Anthony Mcmanus seconded.

#### **VOTE U/A**

Ron Cole stated that the Carters should be called.

#### **ITEM #8: Old Business**

##### **a. Discussion and possible vote on the Dover Middle School, located on Durham Road.**

Jerry Reese made the motion to remove this item from the table.

Frank Torr seconded.

#### **VOTE U/A**

Steve Stancel stated the recommended conditions of approval and said there are an additional 17 minor items from the City Engineer's Office and they should become conditions of approval also.

Jerry Reese stated that he feels a fence on the steep side of the river should be a condition of approval. He said if we come back in a year and say we need a fence, we won't have it. He said he is not sure he is in favor of this project. He said he wants more playing fields. He asked if the Planning board has more say than the JBC.

Steve Stance stated that the Planning Board probably has less say than the JBC.

Bob Berry, Vice Chair of the JBC stated that they want to keep as much green space as they can. He said they are doing as much as they can to get the playing fields. He said in regard to the fencing, they want the best safety also and if it is a condition of approval they will work with the Planning Board.

Steve Stancel discussed the traffic analysis and the suggested bypass lane.

Gregg Mikolaities stated there is 600 feet sight distance in both directions. He spoke about the radius of the turn.

Steve Stancel stated that school officials anticipate having someone out there to get the busses out.

Margaret Stevenson was concerned with the traffic blocking the fire station.

Greg Mikolaities stated that an extra signal head will be added so the fire trucks will always be able to come out. He added that the school and the fire station uses are compatible.

Jerry Reese stated that a condition of approval should be that a traffic light should be installed. He said it would less expensive that the cost of an officer over time.

Gregg Mikolaities stated that they will do a traffic study once the school is opened to see if it is needed. He said there is nothing that warrants a traffic signal. He said a recommendation is that in a couple of months after school is open that a traffic study be done. He said they are not turning their backs.

Paul Johnson, City Councilor, stated that the JBC understands Jerry's concerns. The money is all coming from the same pot. He said they would rather see the studies done after school is opened. He said it would make more sense to see if it is actually warranted. He said he favor the traffic person for the time being. He said they are trying to do what is right within the budget.

Mike Bobinsky asked if, as an alternative, a signal could be put in that is only on line during peak times.

Reuben Hull stated that he thinks traffic lights are over rated and are not solution to every problem.

Tony McManus stated if we approve the recommendations of the Planning staff, how is the Engineering Dept. going to enforce it. He said that the Planning Board has an obligation to be aware of how the conditions are being complied with.

Jerry Reese said Tony raises a point, especially with the Conditions 7 & 8. They are included as recommendations. He asked if they should even be in there. He said he feels we are not planning very well.

Frank Torr asked if we should not make 7 & 8 conditions rather than recommendations.

Thom Forbes, Director of Building & Grounds for the School Department, stated that he would hate to see this as a condition. He said it depends on what kind of event they would have that would make the decision on whether to open the gate or not. He said they would like to make that call and open the gate if needed.

Jerry Reese said he agrees with Frank that it should be a condition.

Tony McManus made the motion to approve with the staff conditions 1 through 8 and the 17 from the City Engineer's memo of 4-28-98.

Brian Preston seconded.

Jerry Reese made the motion to amend the motion to take out the word recommend out of conditions #7 and #8 and replace it with condition.

Reuben Hull seconded.

Thom Forbes stated that the connector road is a restricted road and is not designed for two-way traffic. He said that they know what they have to do when they need to do it. He said there is no need to have that road open for small functions. He said for the Fourth of July fireworks, open house, etc., we will open the gate. He added that there are Knox boxes that are approved by the Fire Department for emergencies.

Ron Cole stated that we should give the School Department some discretion to lock the gate and unlock the gate as they see fit.

Jerry said he is amendable to adding some language to his amendment.

Ron said he would add "At the discretion of the School Department" to #8 of Jerry's amendment.

Ron Cole asked for the vote on the amendments to #7 and #8.

**VOTE - 6 - 1**

**Opposed - A McManus**

Ron Cole asked for the vote on the main motion. The amended motion was to approve with the Planning Staff recommendations, with the added 17 items on the Engineering Dept. list and an amendment to #7 & 8 to read "condition" as opposed to "recommendation" and an amendment to add "at the discretion of the School Department" with respect to the gated service road being opened during events.

Mike Bobinsky stated this is a fast-track project and will be glad to keep the Planning Board informed on the punch list of conditions.

Mr. Mikolaities said that the field has been changed to 1% grade.

**VOTE U/A**

Anthony McManus asked if he can get a reconsideration of the approval of the minutes.  
Mike Bobinsky seconded.

**VOTE U/A**

Jerry Reese said there are 2 minor corrections. Item #7 under Old Business. Under where we accepted the extraction permit he said he made a motion to remove that item from the table and he does not remember who seconded. Also on page 8 above item #8 it should be Chuck Maglaras who seconded, not George.

Tony McManus seconded.

**VOTE U/A**

**ITEM #9: New Business**

**a. Discussion of ETP Zoning.**

Jerry Reese made the motion send the ETP Zoning to a public hearing on May 12, 1998 meeting.  
Mike Bobinsky seconded.

**VOTE U/A**

Steve Stancel stated a workshop has been scheduled for next Tuesday night at 6:00 PM in the Council Chambers in regards to Exit 10. The City is attempting to formulate a position on Exit 10. He said the Parking & Traffic Committee will run that meeting.

Jerry Reese made the motion to adjourn.  
Margaret Stevenson seconded.

**VOTE U/A**